

Remarks/Arguments

Claims 2-3 and 5-35 are currently in the application. Claims 2, 28, 31 and 32 have been amended. Support for the amendment to the claims is in the specification and claims as filed, and also as indicated below.

The amendments to comply with 35 USC § 112, second paragraph

Claims 31 and 32 have been amended as shown to comply with 35 USC 112. It is respectfully submitted the claims are now acceptable under 35 USC § 112.

The amendment to overcome the rejection under 35 USC § 102(b)

As discussed with the Examiner on September 15, 2006, claim 2 has been amended to overcome the rejection as anticipated by Erskine (US Pat. No. 6,351,307). The present invention includes a metrology system that is configured for measuring optical path lengths internal to the interferometer, and not just for generating a path length difference as in Erskine. Since the cited reference does not fulfill this requirement, Applicant respectfully requests that the rejection on this ground now be withdrawn.

The amendment to Claim 28

Also as discussed with the Examiner, claim 28 has been amended to distinguish over the Erskine reference and also to comply with the requirements of 35 USC 101. Applicant respectfully submits that the claim is now in condition for allowance.

The base claims and the dependent claims are allowable for the reasons set forth above and the reasons set forth in the previous Response dated May 25, 2006, and the dependent claims also for the additional limitations recited therein.

Applicants respectfully submit that the claims presently submitted are allowable for the reasons stated above and request that a timely Notice of Allowance be issued in

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the case. The Examiner is invited to contact Applicants' attorney at the number indicated below should further discussion help advance the case to issuance.

Kindly charge any additional fee, or credit overpayments, to Deposit Account No. 50-0281.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "L. George Legg". The signature is fluid and cursive, with a large, sweeping "L" and "G".

L. George Legg

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Date: September 15, 2006

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